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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,478	06/20/2001	Bruce E. Brown	21893-05171	7015
54384	7590	11/03/2005	EXAMINER	
FRANCISSEN PATENT LAW, P.C.			WRIGHT, NORMAN M	
53 W. JACKSON			ART UNIT	PAPER NUMBER
SUITE # 656				
CHICAGO, IL 60604			2134	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/886,478	BROWN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Norman M. Wright	2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 August 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10, 12-14, 33, 35-37, 52, 56 and 73 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 15-32, 34, 38-51, 53-55 and 57-72 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10, 12-14, 33, 35-37, 52, 56, 73 is/are rejected.
- 7) Claim(s) 52 and 56 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

*1-12-08*  
NORMAN M. WRIGHT  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings objection is withdrawn.

### *Claim Rejections - 35 USC § 112*

2. The 112 Second rejections are withdrawn.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 52 and 56 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 52 and 56 recite a computer readable medium for authenticating. The computer medium does not have the program or code necessary to cause the computer to be programmed tangibly embodied thereon; as such it is non-statutory.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. As understood 10, 12-14, 33, 35-37, 52, 56 and 73, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by French et al., U.S. Pat. No. 6,263,447, hereinafter '447.

As per claims 10, 12-14, 33, 35-37, 52, 56 and 73 '477 teach a system and method for authentication (abs.), comprising: determining a level of trust, authenticating identification, one authentication, a score, combining scores to determine level of trust (fig. 1 (32-50), fig. 2 (52-72), figs. 12-14 et seq., col. 5, lines 11 et seq., identification (figs. 11, 13-14 et seq.), a group of a person, document/item (fig. 12, col. 6, lines 1-35 et seq., exceed trust allow access, a first and second level of access, allowed action (fig. 1, (32-46), fig 2, (58-70), lines , a role/authenticated user, a document, sum of scores, corresponding authentication method (col. 12, lines 14 et seq.), a group of password, secret, biometric location etc., network characteristic, physical location (fig. 45, col. 6, lines 15 et seq., col. 7, lines 14 et seq.), degree of security, previous authentication, relative degree, access (abs., figs. 1-3, col. 12, lines 20 et seq., col. 13, lines 49 et seq., col. 14, lines 5 et seq., col. 15-16 et seq.), additionally he teach the use of allowable actions, specified actions, accessing a resource/modifying DB, data etc., action input device, not to exceed trust level, minimum trust levels, transaction manager, roles selection access abilities (abstract., background, summary, figs. 11-16, 30-36, 40-45, col. 5-6 et seq., claims 21-30).

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 10, 12-14, 33, 35-37, 52, 56 and 73 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

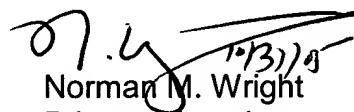
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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norman M. Wright whose telephone number is (571) 272-3844. The examiner can normally be reached on weekdays, from 8AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norman M. Wright  
Primary Examiner  
Art Unit 2134

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